

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BRYAN CARY,

Plaintiff,

Case No. 1:21-cv-13047

v.

Honorable Thomas L. Ludington
United States District Judge

INSPECTOR DALTON,

Defendant.

/

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Plaintiff Bryan Cary brought a § 1983 claim alleging Defendant Inspector Dalton violated various constitutional provisions by outing Plaintiff as a prison snitch in retaliation for confronting Dalton for his alleged refusal to stop inmates from assaulting Plaintiff. ECF No. 1. He also requested leave to proceed *in forma pauperis*. ECF No. 2.

Both motions were denied under 28 U.S.C. § 1915(g) because he did “not allege that he is in imminent danger of serious injury” despite having “had at least three civil-rights complaints dismissed for being frivolous, being malicious, or failing to state a claim upon which relief could be granted.” *See Cary v. Dalton*, No. 1:21-CV-13047, 2022 WL 125528, at *1 (E.D. Mich. Jan. 12, 2022) (collecting eight cases).

Two weeks later, he filed a motion for reconsideration. ECF No. 6.

Motions for reconsideration of nonfinal orders are disfavored and may be granted in only three circumstances: (1) a mistake that changes the outcome of the prior decision, (2) an intervening change in controlling law that warrants a different outcome, or (3) new facts that warrant a different outcome. E.D. Mich. LR 7.1(h)(2).

Plaintiff has not introduced new facts, controlling or intervening law, or any potential mistake in this Court's prior order. *See generally* ECF No. 6. The entirety of his Motion for reconsideration reiterates the circumstances of Defendant's alleged retaliation and the later consequences. *Compare id.* at PageID.69 ("[I]n the document she used to retaliate against Plaintiff, Defendant CLEARLY labeled Plaintiff an informant. . . . This got Plaintiff in a fight and stabbed in the finger. The finger required antibiotics due to infection." (cleaned up)), *with* ECF No. 1 at PageID.2–3 ("Dalton also in this ticket made it known I snitched on a Blood. This got me in a fight and stabbed, which got infected enough to cause me to get antibiotics . . ." (cleaned up)).

Because Plaintiff's arguments were already considered and denied, his Motion for Reconsideration will be denied. *Fischer v. United States*, No. 1:19-CV-13020, 2022 WL 188126, at *1 (E.D. Mich. Jan. 19, 2022) ("A motion for reconsideration that merely reasserts the same facts and legal arguments previously asserted is not proper unless there was some defect in the first hearing by which the court and the parties have been misled.") (collecting cases).

Accordingly, it is **ORDERED** that Plaintiffs' Motion for Reconsideration, ECF No. 6, is **DENIED**.

Dated: September 7, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge